

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JERRY STARLING,)	CASE NO.: 4:07CV3607
)	
Petitioner,)	JUDGE JOHN ADAMS
)	
v.)	
)	
WARDEN GUNJA,)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER DISMISSING WITHOUT</u>
)	<u>PREJUDICE PETITIONER'S</u>
Respondent.)	<u>APPLICATION FOR WRIT OF</u>
)	<u>HABEAS CORPUS</u>

Jerry Starling filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, alleging that his release date has not been properly computed and he has not been given credit for time served. Respondent has moved to have the case transferred to the United States District Court, Eastern Division of New York because Petitioner is currently housed in that district.

On August 1, 2008, the case was referred to a Magistrate Judge for preparation of a report and recommendation pursuant to 28 U.S.C. § 636 and Local Rule 72.2(b)(2). *See* Order (Doc. 11). On August 15, 2008, the Magistrate Judge submitted a Report and Recommendation (Doc. 14) recommending that the petition be dismissed without prejudice.

Fed. R. Civ. P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but neither party has filed any such objections. Therefore, the Court must assume that the parties are satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140

(1985); *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Report and Recommendation of the Magistrate Judge is hereby adopted. The Petition for a Writ of Habeas Corpus is dismissed without prejudice, and, as recommended by the Magistrate Judge, all pending Motions (Docs. 4, 6, 9, 13) are hereby denied as moot.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

September 5, 2008
Date

s/ John R. Adams
John R. Adams
U.S. District Judge